

**MINUTES  
GREENVILLE COUNTY COUNCIL  
DECEMBER 2, 2014  
COUNCIL CHAMBERS  
6:06 p.m.**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the County Square and made available to the newspapers, radio stations, television stations and concerned Citizens.

**COUNCIL MEMBERS PRESENT:**

CHAIRMAN BOB TAYLOR	XANTHENE NORRIS
VICE CHAIRMAN WILLIS MEADOWS	LIZ SEMAN
JOE DILL	JOE BALDWIN
LYNN BALLARD	BUTCH KIRVEN
SID CATES	FRED PAYNE
LOTTIE GIBSON	JIM BURNS

**COUNCIL MEMBER(S) ABSENT:**

NONE

**STAFF PRESENT:**

JOE KERNELL, County Administrator  
MARK TOLLISON, County Attorney  
JOHN HANSLEY, Deputy County Administrator  
THERESA KIZER, Clerk to Council  
REGINA MCCASKILL, Deputy Clerk to Council  
JOHN VANDERMOSTEN, Assistant County Administrator, Public Safety  
PAULA GUCKER, Assistant County Administrator, Public Works  
BOB MIHALIC, Governmental Relations Officer  
ERIC VINSON, Director, Planning and Code Compliance  
DEAN CAMPBELL, Deputy County Attorney  
JEFF WILE, Assistant County Attorney

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Bob Taylor

**INVOCATION**

Terry Hightower, Chairman  
River Falls Fire District Commission

## PLEDGE OF ALLEGIANCE

### **Item (4)**

#### APPROVAL OF MINUTES

**ACTION:** Councilor Gibson moved to approve the minutes of the November 18, 2014, County Council meeting.

Motion carried unanimously by all County Council Members.

### **Item (5)**

#### PROCLAMATION

##### **(a) Christ Church Varsity Football Team**

This item was postponed until January 20, 2015.

### **Item (6)**

#### PUBLIC HEARINGS

##### **(a) General Obligation Refunding Bond / Series 2006 and 2007**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to provide for the issuance and sale of not exceeding \$9,750,000 Greenville County, South Carolina, General Obligation Refunding Bonds, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

There being no speakers, Councilor Meadows declared the public hearing closed.

##### **(b) Project Picket Fence / Laurens Multi County Industrial Business Park Creation**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to develop a joint county industrial and business park (Project Picket Fence) in conjunction with Laurens County, South Carolina to be geographically located in Laurens County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Laurens County regarding the park; and other matters related thereto.

There being no speakers, Councilor Meadows declared the public hearing closed.

##### **(c) Laurens Multi County Industrial Business Park Amendment (2000) / (Project Picket Fence)**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to authorize execution of a first amendment of agreement for development of joint county industrial and business park between Greenville County, South Carolina and Laurens County, South Carolina for the purpose of extending the term of such agreement; and other matters related thereto.

There being no speakers, Councilor Meadows declared the public hearing closed.

**(d) Anderson Multi County Industrial Business Park / Foxfarm Soil and Fertilizer Company and GOGO, LLC (formerly Project East)**

A public hearing was held for the purpose of receiving public comments regarding an ordinance to develop a jointly owned and operated industrial/business park (Foxfarm Soil And Fertilizer Company and GOGO, LLC) in conjunction with Anderson County, such industrial/ business park to be geographically located in Anderson County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Anderson County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of ad valorem taxation within said park.

There being no speakers, Councilor Meadows declared the public hearing closed.

**Item (7) APPEARANCES – CURRENT AGENDA ITEMS**

There were no speakers.

**Item (8) CONSENT AGENDA**

- (a) 2015 Palmetto Pride Community Pride Grant**
- (b) 2015 ARC Grant – Training Center Equipment**
- (c) SC Parks and Recreation Development Fund Grant**
- (d) ARC Grant – Hampton Avenue Extension Pedestrian Bridge**

**ACTION:** Councilor Kirven moved to approve the Consent Agenda items.

Motion carried unanimously by all County Council Members.

**Item (9) RESOLUTION**

- (a) Assignment of Interest / BBW Properties, LLC to South Batesville, LLC**

**ACTION:** Councilor Meadows moved for adoption a resolution consenting to an assignment of interests under a fee in lieu of tax agreement with Greenville County, South Carolina by BBW Properties, LLC to South Batesville LLC, and other matters related thereto.

Motion carried unanimously by all County Council Members.

**Item (10) ORDINANCES – THIRD READING**

- (a) Zoning Ordinances**

- 1. CZ-2014-42, Property of Barbara Arledge and Terry Watson located at 2507 Anderson Road requesting rezoning from I-1 to S-1.**

**ACTION:** Councilor Dill moved adoption of the ordinance at third reading.

Motion carried unanimously by all County Council Members.

**2. CZ-2014-43,** Property of Heyward Smith located at 54 Smith Circle requesting rezoning from S-1 to R-S.

**ACTION:** Councilor Dill moved adoption of the ordinance at third reading.

Motion carried unanimously by all County Council Members.

**(b) Text Amendment / Data Centers (CZ-2014-46)**

**ACTION:** Councilor Dill moved for adoption at third reading an ordinance to amend the Greenville County Zoning Ordinance, as amended, to add a definition for “Data Centers.”

Motion carried unanimously by all County Council Members.

**(c) General Obligation Refunding Bond / Series 2006 and 2007**

**ACTION:** Councilor Meadows moved for adoption at third reading an ordinance to provide for the issuance and sale of not exceeding \$9,750,000 Greenville County, South Carolina, General Obligation Refunding Bonds, in one or more series; to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

Motion carried unanimously by all County Council Members.

**(d) Project Picket Fence / Laurens Multi County Industrial Business Park Creation**

**ACTION:** Councilor Meadows moved for adoption at third reading an ordinance to develop a joint county industrial and business park (Project Picket Fence) in conjunction with Laurens County, South Carolina to be geographically located in Laurens County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Laurens County regarding the park; and other matters related thereto.

**ACTION:** Councilor Meadows moved to hold the item until January 20, 2015, at the request of the Company’s representing attorney.

Motion to hold carried unanimously by all County Council members.

**(e) Laurens Multi County Industrial Business Park Amendment (2000) / (Project Picket Fence)**

**ACTION:** Councilor Meadows moved for adoption at third reading an ordinance to authorize execution of a first amendment of agreement for development of joint county industrial and business park between Greenville County, South Carolina and Laurens County, South Carolina for the purpose of extending the term of such agreement; and other matters related thereto.

**ACTION:** Councilor Meadows moved to hold the item until January 20, 2015, at the request of the Company's representing attorney.

Motion to hold carried unanimously by all County Council members.

**(f) Fabri-Kal Corporation (formerly Project Snap Pea) / Fee in Lieu of Tax Agreement**

**ACTION:** Councilor Meadows moved for adoption at third reading an ordinance authorizing the execution and delivery of a fee agreement by and between Greenville County, South Carolina and Fabri-Kal Corporation, a Michigan Corporation, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto.

Motion carried unanimously by all County Council Members.

**(g) Anderson Multi County Industrial Business Park / Foxfarm Soil and Fertilizer Company and GOGO, LLC (formerly Project East)**

**ACTION:** Councilor Meadows moved for adoption at third reading an ordinance to develop a jointly owned and operated industrial/business park (Foxfarm Soil and Fertilizer Company and GOGO, LLC) in conjunction with Anderson County, such industrial/ business park to be geographically located in Anderson County and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a written agreement with Anderson County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem taxes to the counties and relevant taxing entities; to provide that job tax credits allowed by law be provided for businesses locating in said park; and to permit a user fee in lieu of *ad valorem* taxation within said park.

Motion carried unanimously by all County Council Members.

**Item (11) ORDINANCES – SECOND READING**

**(a) Zoning Ordinances**

- 1. CZ-2014-38,** Property of Timothy William Lyda and Paula Kim Parris Living Trust located on N. Pleasantburg Drive and Worley Road requesting rezoning from R-12 to C-2. The Planning Commission recommended approval and the Committee recommended approval as amended to rezone a portion of the subject property.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

**AMENDMENT:** Councilor Dill moved to amend the request to rezone only a portion of the subject property consisting of approximately 2.5 acres fronting on Highway 291 to C-2 Commercial, leaving the remaining 0.27 acre portion in the rear of the property zoned R-12. The applicant submitted a survey depicting the proposed zoning boundary line as required.

Councilor Norris stated after their deliberations, a site plan had been produced for rezoning a portion of the property to C-2. She stated she was in favor of the proposed.

Councilor Meadows stated his concerns with having a C-2 zoning in the middle of a residential section and it all be on one parcel.

Councilor Dill stated the Planning and Development Committee approved the proposed amendment because it was the agreement that was worked out between the community and the property owner.

Chairman Taylor stated the residents were concerned about rezoning the property in the back of their neighborhood to a commercial classification. He stated the property that was requested to be rezoned to C-2 was previously a landfill with concrete and asphalt, and was not suitable for residential purposes.

Paula Gucker used a map to show County Council members what area would be rezoned to C-2.

Councilor Burns asked what the square footage of the proposed building would be.

Ms. Gucker stated the building was to be 10,000 –12,000 square feet.

Councilor Burns stated he agreed with Councilor Meadows, in that rezoning the property to C-2 in a residential neighborhood would be very odd. He stated C-2 allowed for many types of businesses, including night clubs.

Councilor Norris stated the residents were afraid if the automotive repair shop was not built, that some other type of business would be allowed to build under C-2 classification.

Motion to amend carried with Councilor Norris and Councilor Gibson voting in opposition.

**ACTION:** Councilor Dill moved approval of the ordinance as amended.

Councilor Cates stated C-2 zoning scared him in residential areas.

Councilor Norris stated the site plan was very misleading.

Councilor Cates asked if they could require the owner to build a fence around the property.

Chairman Taylor stated they could not.

Councilor Dill stated the zoning code required fencing and buffers for certain types of uses.

Councilor Norris stated her concern was with the garage not being built; if the owner decided to move it to some other location, what would happen to the C-2 zoning.

Councilor Burns stated it was not about the intended use now; zoning was forever and his concern was about future use. He stated he could not vote in favor of rezoning a property to C-2 when it was located between two residential areas.

**ACTION:** Councilor Norris moved to hold the item.

Motion to hold carried by a roll call vote of seven in favor (Meadows, Cates, Burns, Norris, Kirven, Payne, Dill) and five in opposition (Baldwin, Taylor, Seman, Gibson, Ballard).

2. **CZ-2014-40**, Property of Carol Pierce McKinney located on Rocky Point Way requesting rezoning from PD to R-S. The Planning Commission recommended approval and the Committee sent the docket forward with no recommendation.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

**ACTION:** Councilor Burns moved to hold the item until January 20, 2015.

Motion to hold carried unanimously by all County Council members.

3. **CZ-2014-41**, Property of Ahmed Abdeladl, 1904 and 1908 Anderson Road requesting rezoning from R-M20 to C-2. The Planning Commission recommended denial and the Committee recommended approval as amended to C-3.

**ACTION:** On behalf of the Committee, Councilor Dill moved approval of the ordinance at second reading.

**AMENDMENT:** Councilor Dill moved to amend the request to C-3.

Motion to amend carried unanimously by all County Council members.

**ACTION:** Councilor Dill moved approval of the ordinance as amended.

Motion as amended carried unanimously by all County Council members.

**Item (12)**

**COMMITTEE REPORTS**

**(a) Committee on Public Works and Infrastructure**

**1. Relocation of Graves / TMS #0533040100700**

**ACTION:** On behalf of the Committee, Councilor Payne made a motion to approve the removal of ten unknown graves in a defined section of property north of Garlington Road, Tax Map # 0533040100700, in southeastern Greenville County; the remains of the ten graves would be relocated to Wood Memorial Park in Greer.

Councilor Payne stated the site was a 55 acre tract of land and during a survey they discovered mounds that appeared to be graves. The developer reported the find, researched the records, advertised a public notice and according to the County Attorney's office, did a very diligent job in handling the procedures for their request.

Councilor Meadows asked if the developer was going to move the graves.

Councilor Payne stated they did not find any family associated with the graves and that the developer would, at no cost to anyone else, have the graves relocated.

Councilor Norris asked how old the graves were.

Councilor Payne stated they were late 1700s or early 1800s. He stated the site of the graves was at the top of a hill, and it was determined it was the location of an old home place and that the graves were a family plot.

Councilor Gibson asked if any were the graves of slaves.

Councilor Payne responded they had no way of knowing who the people were.

Councilor Gibson stated she was adamantly opposed to moving the graves of slaves.

Councilor Norris expressed her concern over how the move would be handled given past occurrences.

Councilor Dill asked if there were markers.

Councilor Baldwin stated there appeared to have been markers, but they were so weathered they appeared to be nothing more than stones.

Councilor Norris asked where the graves were to be moved.

Councilor Payne stated they would be moved to Wood Memorial Park in Greer; a perpetual care cemetery. He stated the move would be done very professionally; they were using funeral directors to do the exhuming of the remains.

Councilor Gibson asked if the state was involved.

Councilor Payne stated they were using state regulations to guide what happened.

Councilor Burns stated they were following DHEC regulations.

Councilor Kirven stated he had a small family plot on his property. Some time back an individual called who was going around the County doing a survey trying to identify the location of every single, little plot and family cemetery. He stated they might should check with the local historical society to see if this particular plot had ever been surveyed and if they were aware of its location.

Councilor Dill wanted to know what was wrong with the developer preserving the graves.

Councilor Gibson asked if the remains would all be put into one grave or into individual graves.

Councilor Dill stated they would be separate.

Councilor Cates asked what happened if Council turned down the request.

Councilor Dill stated the developer would then have to find a way to preserve the graves.

Councilor Cates stated he would like to ask the Historical Society to look into the plot a little further before Council made its decision.

Councilor Payne stated they could hold the matter if there was a need to, but he would like to at least get some indication of the direction Council was comfortable in going. If there was any research that could be done, they could ask that to be done and for a recommendation to come back to Council or a Committee.



**ACTION:** Councilor Cates moved to send the item back to the Committee on Public Works and Infrastructure.

Motion carried unanimously by all County Council Members.

**Item (13)**

**APPEARANCES – NON AGENDA ITEMS**

- David McCraw, 109 Breedshill Way, Greer – appeared regarding County Council responsibility
- Ed Paxton, 1 York Circle, Greenville – appeared regarding disabilities and special needs
- Bank Hall, 5204 Three Springs Trail, Greenville – appeared regarding Vietnamese American Veteran Monument

**Item (15)**

**ADMINISTRATOR’S REPORT**

There was no Administrator’s Report.

**Item (16)**

**REQUESTS AND MOTIONS BY COUNCIL MEMBERS**

- Councilor Baldwin wished everyone a Merry Christmas and a productive New Year.
- Councilor Meadows thanked the Administrator and staff for working out the reassessment issue he brought up at the last meeting. He then wished everyone a Merry Christmas and a Happy New Year.
- Chairman Taylor stated he would be scheduling some workshops in the new year to hear a presentation about the assessment process.
- Councilor Burns wished everyone a Merry Christmas and a healthy and prosperous New Year.
- Councilor Cates wished everyone a Merry Christmas. He expressed his appreciation of the Veterans and for the dinner they honored Council with that evening. Mr. Cates then stated his daughter in Arizona would have having his first grandson next week and asked everyone to keep them in their prayers.
- Councilor Norris wished everyone a Merry Christmas. She invited everyone to Springfield Baptist Church on December 7<sup>th</sup> for her annual scholarship program.
- Councilor Seman reminded everyone of the SCTAC annual presentation on December 15<sup>th</sup> at 11:30 a.m. at the Clemson University ONE Building downtown.
- Councilor Gibson wished everyone a Merry Christmas and asked that they continue to pray for her as she would continue to pray for them.
- Councilor Ballard thanked everyone for the thoughts and concerns following his wife’s surgery. He then wished everyone a Merry Christmas.
- Councilor Kirven stated he was thankful that their troubles were less than their blessings.

- Councilor Payne stated this year was the 225<sup>th</sup> anniversary of George Washington’s declaration of the first Thanksgiving Day. He encouraged everyone to read his proclamation. He then wished everyone a Merry Christmas.
- Councilor Kirven congratulated the Clemson Tigers.
- Councilor Dill requested staff to set aside the first parking space of the handicapped parking and reserve it for “Disabled Veterans.” Mr. Dill inquired about the Downtown Airport Park.
- County Administrator Joe Kernell stated two years ago a request came from the Downtown Airport asking for \$10,000 to help with a park. He stated they made another request this year but the funding distribution has changed and it would be up to the individual Council members to decide if they want to participate.
- Councilor Seman stated she would start the funding.
- Councilor Dill inquired about signage for the Korean War monument at Conestee Park. Mr. Kernell stated the County did not own Conestee Park; it was part of a lease arrangement, but he would look into the matter.

**Item (17)**

**ADJOURNMENT**

**ACTION:** Councilor Dill moved to adjourn the meeting at 7:21p.m.

Motion carried unanimously by all County Council members present.

Respectfully submitted:

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Theresa Kizer, Clerk to Council